

APR 01 2008

Application No. 10/772,070  
Reply to Office Action of January 15, 2008

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Docket No.: 60723(72012)

**REMARKS**

In the Office Action dated January 15, 2008, claims 1-9 are pending, claims 1 and 8 are withdrawn, and claims 2-7 and 9 are rejected. Reconsideration is requested, at least for the reasons discussed herein.

The present invention discloses a method comprising the steps of: dissolving a binding resin component in a supercritical or subcritical fluid so that the binding resin component is blended with a coloring pigment component; and reducing the solubility of the binding resin component in the supercritical or subcritical fluid so that the binding resin component is precipitated in the form of particles with the coloring pigment dispersed in the interior thereof.

The above amendment to claim 2 is submitted to more particularly point out and distinctly claim the subject matter regarded for invention. Support for the amendment can be found in the original specification, at least at page 9, lines 16-29. Support for new claim 10 can be found at least at page 11, lines 21-23.

Claims 2-5, 7 and 9 are rejected under 35 U.S.C. §103(a) over Bausche et al. (US 6,299,906; "Bausche") in view of Kaga (JP 61-293536). Bausche does not describe the preparation of a developer comprising a resin having coloring pigments dispersed therein, which is a feature of the present invention. Bausche describe a process for making submicron particles of a biologically active compound or pharmaceutical, optionally having a surface modifier. As illustrated in FIG. 2, the average particle size is about 300 nm. Bausche has no suggestion for making develops which comprise a resin with dispersed coloring pigments, as described and claimed herein. There is no suggestion in Bausche that the apparatus described therein could be modified and operated to make developers comprising a resin with dispersed coloring pigments. Manifestly, Bausche *fails* to teach or suggest that the apparatus comprises a "developer material carrier containing developer material comprising a resin and a pigment," as claimed herein.

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Kaga does not make up for the deficiencies of Bausche. As described in the English Abstract, Kaga also *fails* to teach or suggest that the apparatus comprises a "developer material carrier containing developer material comprising a resin and a pigment," as claimed herein.

Thus, it is not seen how the present invention would have been obvious in view of any combination of Bausche and Kaga.

Claim 6 is rejected under 35 U.S.C. §103(a) over Bausche in view of Kaga, and further in view of Inoue (EP 526 699). Bausche and Kaga are discussed above. Inoue fails to make up for the deficiencies of Bausche and Kaga. Inoue also *fails* to teach or suggest that the apparatus comprises a "developer material carrier containing developer material comprising a resin and a pigment," as claimed herein.

Inoue discloses a dispersing and grinding apparatus. The Inoue relates to apparatus that uses dispersing, grinding media such as balls, beads, etc. [col. 1, lines 5-10]. It is well known to use such dispersing grinding media to finely disperse particles in a fluid. In Inoue, the dispersing media does not flow out of the basket into the tank [col. 2, lines 20-25].

However, the present invention dissolves a resin in a subcritical or supercritical fluid to provide particles of resin containing dispersed pigments; no grinding media is utilized.

It is not seen how the disclosure of Inoue is relevant to the present invention. It is respectfully submitted that one of ordinary skill in the art would not look to Inoue for developing a method for dissolving a resin in a subcritical or supercritical fluid. It is not seen how one of ordinary skill in the art would combine the teachings of Bausche and Kaga with Inoue. Further, even if one of ordinary skill in the art were to combine the teachings, it is not seen what combination would result or how the present invention would result.

Inoue is totally silent on use of subcritical or supercritical fluid. Inoue fails to teach or suggest dissolving developer components in a subcritical or supercritical fluid and, then, ejecting the fluid with dissolved components under pressure into an open chamber to form particles.

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Thus, it is not seen how the present invention would have been obvious in view of any combination of Bausche, Kaga and Inoue.

In view of the above discussion above, applicant believes the pending application is in condition for allowance. an early reconsideration and notice of allowance are earnestly solicited.

If for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, the Commissioner is hereby authorized and requested to charge Deposit Account No. 04-1105.

Dated:

1 April '08

Respectfully submitted,

By

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